P.F. 108-92

G. R. S. 1X-5]

Previous references.

LR 182-92

1897-98

192 .

L.R.)

File No 126-97

Serial Nos 1-6

Later references.

GENERAL AND REVENUE SECRETARIAT

Serial Nos. 1-6

Part B for September 1898

Appeal of Bhaumanna and others for the recovery of the Patel office of Dawangere.

30

The Deputy Commissioner, Chitaldrug District

No. 2859 dt. 17.9.98. LR 126-97-6

P.F. 108-92

Declining to interfere with the orders of the Deputy Commr. etc in regards the appeal of Bhaumanna & others for the recovery of the Patel office of Dawangere

Index

1

Memo

Pet[n] nos 2471 & 2644
of 1897-98

Appellants (1) Bharamanna
(2) Siddalingappa
(3) Mallappa
(4) Sidda

vs

Respondents (1) Ashappala Kollavannappa
(2) Murugappa.
(3) Appappala Bharamanna

The appellants are brothers
& sons of the 3rd respondent.
and appeal against the
concurrent decree of the
D. Court & Asst Court dismissing
their suit for the recovery
of the patch Mal of Davangere
on the ground of res judicata

= The facts of the case are
as follows: In 1890 the
3rd respondent, brother-

suit for the recovery of the
patel's office from the 1st
& 2nd respondents, the 2nd
respondent being then patel
& the 1st respondent being
his father who resigned
as patel in 1882

The suit was dismissed by
the 1st Court on the
ground that it was barred
by limitation.

This was affirmed on
appeal by the 2nd Court
& subsequently by S.N.
(vide S. No. 13, Spen file)

An application for review
addressed to the same
Appeal was rejected by
the Dewan in 1895 (S. No. 14)

In 1897, the appellants
brought a suit in the
1st Court for
the recovery of the same

patel office & included their
father as a defendant on
the alleged ground that
he colluded with the
1st & 2nd respondents in
the previous proceedings
& allowed the suit
to fail
The ct Com^r dismissed
the suit on the ground
of limitation & noticed
the fact that a similar
suit brought by the
plaintiffs' father
had been dismissed
finally in 1895
The Dy Com^r on appeal
held that the suit
was rightly dismissed
as the matter was
res judicata & that
the allegations of collusion
& fraud were not

proved. The present
appeal is against the
above order.

The plaintiffs' suit is
prima facie frivolous
and vexatious. The point
involved is mainly legal
The Respondents may perhaps be
heard before rejecting their appeal

18/5/98

Remarks by the Rev. Councillor

E. Du.

Notice may be given.

3rd June 1898

9384-a

4/7/98

4/7/98

Record collected
15/12/98

5

Refer
7.4.98

LR 126-97-1

1898 (1)

No. 2476 Appn No 77
97-98.

Name of Petitioner Bharamanni s/o Patel Achappa

Village Dharwar

Taluk

District Chitaldrug

Date of Arzi 2-4-98

Date of Receipt 4-4-98

Date of Disposal

No. of Enclosure 5

2296 of 97 mist

Refer last yr.

Mind
9/4/98
Mbd
(1) Appeal on 10Rs Stamp
Rash Advt
(2) Appl. Comrs judgment & Decree not having been obtained, pet promises to produce the same within 15 days
mdy
11.4.98 Wait till it is received
LR 12/4/98

ABSTRACT

With reg[d] to the pet[r] letter
office, A[r] 2296, of 9-3-98, & to
the office Secl. No. 2296, of 21-3-9
rejecting the pet[n] on the grou
of insufficiency of Stamp
and absence of the Asst.
Comrs judgment & decree
the pet[r] now submits his prayer
on 10 Rs-Stamped-paper and
states that he has enclosed
the Comrs judgment & decree
that he will send the
judgment & decree of the appeal
Court within 15 days, as that
office

officer is at present in circuit
with the Defendant.

Prays that his Appeal
may be admitted and as therein
the appeal-time will be learned.

=

Sd

1. Petition of Appeal
2 Decree
3. ——— seen.

5/4/98

GOVERNMENT OF MYSORE
10
COURT FEE
MYSORE COURT FEE
MYSORE DEPARTMENT OFFICE
PETITION DEPARTMENT
REGD NO 2471R
DATE 4-4-98

I

(a) ...

(b) ...

II ...

2-4-98.

Refer

2448 LR 12 - 97-2

551 70

25-25-Karnataka

Rep ex year rpt

Dist R

30/4/98

Sched. (vide index on folio 247)

MKS

5/5/98

Put up the file in

Appeal no: 12 of 1892-93

appellant Bhagavanna — Defendant

Ord by the Asst Comm

Ag 9/5/98

To

Ver: Records for refer

Dist R

10/5/98

Petition filed 18/10/97 for injunction.

11/5/98

Sched. Rev Council

MKS

13/5/98

Rec'd folio 2

18.5.98

Ag 18/5/98

1898 23

No. 2644

Name of Petitioner: Bhagavanna

Village

Taluk Davangere

District Chitaldroog

Date of Arzi April '98

Date of Receipt 25. 4. '98

Date of Disposal

No. of Enclosure Two.

ABSTRACT

With reference to his appeal petition against the Dy Commr order re the Katti Trustees of Davangere, petr submits copies of the decree and judgment granted by the Asst Comr and prays that the same may be filed with the appeal petn.

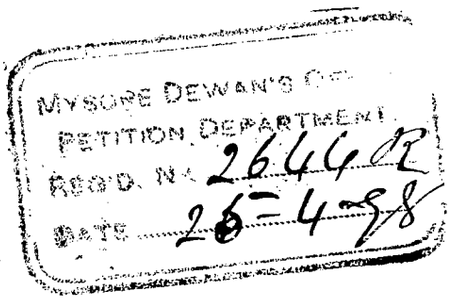
Enclosures

1) Copy of decree granted in Rev. A.S. No 3 of 1896-97 on the file

file of the Resident's
Court, Dawangore Sub-Dn.
2) Copy of Judgment in the
above suit to the effect
that the suit Kabraan was
dismissed with costs on
the ground that it was
barred by limitation
Act.
27/4/28.

By Post request
25-4-98
mlg

12 2644



ಮಾನ್ಯ ಸುಂಕಗಾರರವರಿಗೆ ನಂಜನಗೂಡು

ಇಂದ

ನಾನು ಮೈಸೂರು ಜಿಲ್ಲೆ ಹೆಗ್ಗಡದೇವನಕೋಟೆ ತಾಲ್ಲೂಕು ಕಾಕನಕೋಟೆ ಹೋಬಳಿ ಕಾಕನಕೋಟೆ ಗ್ರಾಮದಲ್ಲಿ ವಾಸವಾಗಿದ್ದು ಕೃಷಿಕನಾಗಿರುತ್ತೇನೆ. ನಾನು ಕಾಕನಕೋಟೆಯಿಂದ ಹೆಗ್ಗಡದೇವನಕೋಟೆಗೆ ಹೋಗಿ ಬರಲು ಕಾಲುದಾರಿಯಲ್ಲಿ ಸುಮಾರು ೧೫ ಮೈಲಿ ದೂರವಿರುವುದರಿಂದ ಹಾಗೂ ಕಾಡುಪ್ರಾಣಿಗಳ ಭಯವಿರುವುದರಿಂದ ಎತ್ತಿನಗಾಡಿಯಲ್ಲಿ ಹೋಗಿ ಬರಲು ಅನುಕೂಲವಾಗಿರುವುದರಿಂದ ಹಾಗೂ ಕಾಕನಕೋಟೆಯಿಂದ ಹೆಗ್ಗಡದೇವನಕೋಟೆಗೆ ಹೋಗಿ ಬರಲು ಸುಮಾರು ೩೦ ಮೈಲಿ ದೂರವಿರುವುದರಿಂದ ಎತ್ತಿನಗಾಡಿಯಲ್ಲಿ ಹೋಗಿ ಬರಲು ಅನುಕೂಲವಾಗ

169 (23)

From

To The Dy Comm.r
Shillaking District.

Dated 16th
Despatched 16th Jan/98
Received
General No. 454 P.
P. No. 37

Enclosure No.

Has the Honour to request that the records in the marginally noted case may be forwarded to this office as early as practicable for reference in connection with the appeal of Bharamanna and others of Damagam, regarding their claim to the Patel of Damagam, which stands posted to the Argat register.

By Order.

Draft.

For Secretary.

1. Revenue original case No 3 of 96-97 on the file of the Assistant Comm.r Damagam Sub-div.n

2. Revenue Appeal No 4 of 1897-98 on the file of the Dy Comm.r (Bharamanna & others Vs Siddaling.a & others)

SECRETARIAT - DEPARTMENTAL
CLASS
General Section No. 398
DEPARTMENTS OFFICE
JUL 1898

From

The Deputy Commissioner
Bellary District

To

The Chief Secretary to the Government of Mysore.

General and Revenue Department

Dated

Despatched 21st July 1898

Received

Enclosures No. four files of Records sent separately.

General No. 85.
No. 79.

His docket No. 105 (Rev. 87) dated 16th instant calling for records in connection with the Bellary case of Venkata Narayana Chetty & Co. with reference to Government Order No. 1 dated 2nd instant.

With reference to the above, I have the honor to submit herewith, the required records in connection with the Revenue Appeal case No: 1 of 1898 - 99 on the file of the Court of the General Assistant Commissioner Bhikshony District.

Do - Rev: Case No: 3 of 1898 on the file of the Court of the Assistant Commissioner, Davangere vide Subdivision Memo: Case No: 3 of 98/99 on the file of the Court of the Revenue Appeal Case No: 1 of 98/99 on the file of the Court of the Deputy Commissioner, Chitaldrug.

Do. the Revenue Appeal case No: 4 of 98/99 on the file of the Court of the Deputy Commissioner, Chitaldrug.

Chief Secretary
21/8/98

noted Eccles on connection
with the case of Caleb
of Kanab Stampers
U. S. Navigation
Defendants

1 : 16

(26)

SA 126-97-5

Proceedings of the D.C. of Bagwe

Draft prepared
Sub'd to 1st Council
HJ 6/9/95

977D

Read:-

(1) Petition of appeal No 77 of 1897-98 presented by Bhara-mana and his 3 minor brothers residing at Dawangwe, against the decree of the Dy Comm^r of Chilcldrug affirming that of the Assistant Comm^r Dawangwe Range in Revenue original case No 3 of 1896-9 dismissing the appellants suit for recovery of the Paddi office of Dawangwe.

(2) Records of the case received with docket No 85/79 dated 29th July 1898 from the Deputy Comm^r Chilcldrug District.

* Plaintiffs
1. Bhara mana and his 3 minor brothers, represented by him as guardian. Bhara mana.

Defendants
1. Siddalingappa
2. Buriyappa.
3. Appappah

Sub'd to Rev C^r & J^s prepared
HJ 7/9/95

Heard
HJ 14/9/95

Q 14/9/95

Facts of the case.

In 1892 the 3rd defendant Appiffalia Bhuwandeal (father of the Plaintiffs) and his sisters brought a suit for the recovery of the Patli office from the 1st and 2nd defendants. The suit was dismissed by the Assistant-Commr as barred by limitation. This was affirmed on appeal by the Dy Commr and also by Govt in Appeal No 12 of 1892-93. In 1895 the plaintiffs brought the present suit for the recovery of the same office and included their father as a defendant, on the alleged ground that he colluded with the defendants in the previous suit and allowed it to fail. The

Assistt

The Assistant-Commr ~~the case~~
dismissed the ~~plaintiff's~~ appeal
by limitation. The Dy Commr
~~on appeal~~ held that the
suit was rightly dismissed
as the matter was judicata,
and that the allegations of
collusion and fraud were
not proved. The present appeal
is against the above ~~order~~ decision
~~of~~ ~~in~~

(252) No. 2359. 8.7108-92 8/12.3.98 Order thereon.

Appellant
Government are not entitled
to interfere with the decision
of the Dy Commr, which is
~~now~~ affirmed and
correct. This appeal is
dismissed.

Draft: [signature] for Secretary.

To
The Dy Commr
Chittagong Division
with records.

Sd. 6/7/95.

6/7/95

12/9/95

+23-5-98 DD
19-9-98 (2) C.S.S.

19-

19-9-98

LR 126-97-b

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